

109TH CONGRESS
1ST SESSION

H. R. 50

To provide for the National Oceanic and Atmospheric Administration, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. EHLERS introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the National Oceanic and Atmospheric
Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Oceanic and
5 Atmospheric Administration Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “Administration” means the Na-
9 tional Oceanic and Atmospheric Administration.

1 (2) The term “Administrator” means the Ad-
2 ministrator of the National Oceanic and Atmos-
3 pheric Administration.

4 (3) The term “Secretary” means the Secretary
5 of Commerce.

6 **SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-**
7 **TRATION.**

8 (a) IN GENERAL.—There shall be in the Department
9 of Commerce an agency known as the National Oceanic
10 and Atmospheric Administration.

11 (b) MISSION.—The mission of the Administration is
12 to understand the systems of the Earth’s oceans and at-
13 mosphere and predict changes in the Earth’s oceans and
14 atmosphere and the effects of such changes on the land
15 environment, to conserve and manage coastal, ocean, and
16 Great Lakes ecosystems to meet national economic, social,
17 and environmental needs, and to educate the public about
18 these topics.

19 (c) FUNCTIONS.—The functions of the Administra-
20 tion shall include—

21 (1) collecting, through observation and other
22 means, communicating, analyzing, processing, and
23 disseminating comprehensive scientific data and in-
24 formation about weather and climate, solar and geo-
25 physical events on the Sun and in the space environ-

1 ment, and about the coasts, oceans, Great Lakes,
2 upper reaches of estuaries, and hydrologic systems;

3 (2) operating and maintaining a system for the
4 storage, retrieval, and dissemination of data relating
5 to weather and climate, solar and geophysical events
6 on the Sun and in the space environment, and about
7 the coasts, oceans, Great Lakes, upper reaches of es-
8 tuaries, and hydrologic systems;

9 (3) conducting and supporting basic and ap-
10 applied research and development of technology as may
11 be necessary to carry out the mission described in
12 subsection (b);

13 (4) issuing weather, water, climate, and space
14 weather forecasts and warnings;

15 (5) coordinating efforts of Federal agencies in
16 support of national and international programs with
17 respect to meteorological services;

18 (6) understanding the science of Earth's cli-
19 mate and related systems, and undertaking research,
20 development, and demonstration to enhance society's
21 ability to plan for and respond to climate variability
22 and change;

23 (7) protecting, restoring, and managing the use
24 of the coasts, oceans, and Great Lakes through eco-

1 system-based research, development, demonstration,
2 and management;

3 (8) coordinating efforts of Federal agencies in
4 support of national and international programs with
5 respect to integrated Earth observing systems;

6 (9) administering public outreach and education
7 programs and services to increase scientific and en-
8 vironmental literacy about weather and climate,
9 solar and geophysical events on the Sun and in the
10 space environment, and the coasts, oceans, Great
11 Lakes, upper reaches of estuaries, and hydrologic
12 systems;

13 (10) cooperating with international organiza-
14 tions and scientists in bilateral and multilateral re-
15 search, development, conservation, and service pro-
16 grams related to coastal, ocean, Great Lakes, weath-
17 er, and climate issues; and

18 (11) any other function assigned to the Admin-
19 istration by law.

20 **SEC. 4. ADMINISTRATION LEADERSHIP.**

21 (a) ADMINISTRATOR.—

22 (1) IN GENERAL.—There shall be, as the Ad-
23 ministrator of the Administration, an Under Sec-
24 retary of Commerce for Oceans and Atmosphere.

25 The Administrator shall be appointed by the Presi-

1 dent, by and with the advice and consent of the Sen-
2 ate. The Administrator shall be paid at the rate of
3 basic pay for level III of the Executive Schedule.

4 (2) FUNCTIONS.—The Administrator shall per-
5 form such functions and exercise such powers with
6 respect to the Administration as the Secretary may
7 prescribe, including—

8 (A) general management;

9 (B) policy development and guidance;

10 (C) budget formulation, guidance, and exe-
11 cution; and

12 (D) serving as the Department of Com-
13 merce official for all ocean and atmosphere
14 issues with other elements of the Department of
15 Commerce and with other Federal agencies,
16 State, tribal, and local governments, and the
17 public.

18 (3) DELEGATION OF AUTHORITY.—The Admin-
19 istrator may, except as otherwise prohibited by
20 law—

21 (A) delegate any functions, powers, or du-
22 ties of the Administrator to such officers and
23 employees of the Administration as the Admin-
24 istrator may designate; and

1 (B) authorize such successive redelegations
2 of such functions, powers, or duties within the
3 Administration as the Administrator considers
4 necessary or appropriate.

5 (4) AUTHORITIES.—The Administrator shall
6 have the authority to enter into and perform such
7 contracts, leases, grants, and cooperative agreements
8 with Federal agencies, State and local governments,
9 Indian tribes, international organizations, foreign
10 governments, educational institutions, nonprofit or-
11 ganizations, and commercial organizations, as may
12 be necessary and proper to carry out the Adminis-
13 tration's functions under this Act or as otherwise
14 provided by law.

15 (b) ASSISTANT SECRETARY FOR OCEANS AND AT-
16 MOSPHERE.—

17 (1) IN GENERAL.—There shall be, as Deputy
18 Administrator of the Administration, an Assistant
19 Secretary of Commerce for Oceans and Atmosphere.
20 The Assistant Secretary shall be appointed by the
21 President, by and with the advice and consent of the
22 Senate. The Assistant Secretary shall be the Admin-
23 istrator's first assistant for purposes of subchapter
24 III of chapter 33 of title 5, United States Code. The

1 Assistant Secretary shall be paid at the rate of basic
2 pay for level IV of the Executive Schedule.

3 (2) FUNCTIONS.—The Assistant Secretary shall
4 perform such functions and exercise such powers as
5 the Secretary or Administrator may prescribe and
6 shall act as Administrator during the absence or dis-
7 ability of the Administrator or in the event of a va-
8 cancy in the office of Administrator.

9 (c) DEPUTY UNDER SECRETARY FOR OCEANS AND
10 ATMOSPHERE.—

11 (1) IN GENERAL.—There shall, be as the Chief
12 Operating Officer of the Administration, a Deputy
13 Under Secretary of Commerce for Oceans and At-
14 mosphere. The Deputy Under Secretary shall be ap-
15 pointed by the Secretary. The position of Deputy
16 Under Secretary shall be a Senior Executive Service
17 position authorized under section 3133 of title 5,
18 United States Code.

19 (2) FUNCTIONS.—The Deputy Under Sec-
20 retary—

21 (A) shall ensure the timely and effective
22 implementation of Administration policies and
23 objectives;

24 (B) shall be responsible for all aspects of
25 the Administration's operations and manage-

1 ment, including budget, financial operations, in-
2 formation services, facilities, human resources,
3 procurements, and associated services;

4 (C) in the absence or disability of the As-
5 sistant Secretary, or in the event of a vacancy
6 in such position, shall act in that position; and

7 (D) shall perform such other duties as the
8 Administrator shall prescribe.

9 (d) DEPUTY ASSISTANT SECRETARY FOR OCEANS
10 AND ATMOSPHERE.—

11 (1) IN GENERAL.—There shall be in the Admin-
12 istration a Deputy Assistant Secretary for Oceans
13 and Atmosphere. The Deputy Assistant Secretary
14 for Oceans and Atmosphere shall be appointed by
15 the Secretary. The position of Deputy Assistant Sec-
16 retary for Oceans and Atmosphere shall be a Senior
17 Executive Service position authorized under section
18 3133 of title 5, United States Code.

19 (2) FUNCTIONS.—The Deputy Assistant Sec-
20 retary for Oceans and Atmosphere—

21 (A) shall serve as an advisor to the Admin-
22 istrator on program and policy issues related to
23 environmental policy, strategic planning, and
24 program analysis;

1 (B) shall ensure the timely and effective
2 implementation of Administration policies and
3 objectives related to environmental policy, stra-
4 tegic planning, and program analysis; and

5 (C) shall perform such other duties as the
6 Administrator shall prescribe.

7 (e) DEPUTY ASSISTANT SECRETARY FOR SCIENCE,
8 TECHNOLOGY, EDUCATION, AND OUTREACH.—

9 (1) IN GENERAL.—There shall be in the Admin-
10 istration a Deputy Assistant Secretary for Science,
11 Technology, Education, and Outreach, who shall co-
12 ordinate and oversee the science and technology ac-
13 tivities of the Administration and ensure that Ad-
14 ministration decisions are informed by the results of
15 appropriate and relevant research. The Deputy As-
16 sistant Secretary for Science, Technology, Edu-
17 cation, and Outreach shall be appointed by the Sec-
18 retary. The position of Deputy Assistant Secretary
19 for Science, Technology, Education, and Outreach
20 shall be a Senior Executive Service career reserved
21 position as defined in section 3132(a)(8) of title 5,
22 United States Code.

23 (2) FUNCTIONS.—The Deputy Assistant Sec-
24 retary for Science, Technology, Education, and Out-
25 reach shall—

1 (A) coordinate research and development
2 activities across the Administration, including
3 coordination of research and development budg-
4 ets;

5 (B) advise the Administrator on how re-
6 search activities can be applied to operational
7 use;

8 (C) provide advice to the Administrator re-
9 garding science and technology issues and their
10 relationship to Administration policies, proce-
11 dures, and decisions;

12 (D) participate in developing the Adminis-
13 tration's strategic plans and policies and review
14 the science and technology aspects of those
15 plans and policies;

16 (E) develop and oversee guidelines for the
17 dissemination to the public of results from re-
18 search and development conducted, sponsored,
19 or cited by the Administration;

20 (F) serve as liaison to the nongovern-
21 mental science and technology community;

22 (G) develop and oversee guidelines for peer
23 review of science and technology research spon-
24 sored by the Administration;

1 (H) oversee implementation of the stra-
2 tegic plan for science and technology research,
3 development, and demonstration required under
4 section 10(b);

5 (I) oversee management of research labora-
6 tories in the Administration;

7 (J) oversee the research and education
8 programs of the Administration; and

9 (K) perform such other duties as the Sec-
10 retary or Administrator shall prescribe.

11 (3) QUALIFICATIONS.—An individual appointed
12 under paragraph (1) shall be a person who has an
13 outstanding science and technology background, in-
14 cluding research accomplishments, scientific reputa-
15 tion, and public policy experience.

16 (4) CONSULTATION.—Before appointing an in-
17 dividual under paragraph (1), the Secretary shall
18 consult with the National Academy of Sciences, the
19 Science Advisory Board of the Administration, and
20 other appropriate scientific organizations.

21 (f) GENERAL COUNSEL.—

22 (1) IN GENERAL.—There shall be in the Admin-
23 istration a General Counsel. The General Counsel
24 shall be appointed by the Secretary. The General

1 Counsel shall be paid at the rate of basic pay for
2 level V of the Executive Schedule.

3 (2) FUNCTIONS.—The General Counsel—

4 (A) shall serve as the chief legal officer of
5 the Administration for all legal matters that
6 arise in connection with the conduct of the
7 functions of the Administration; and

8 (B) shall perform such other functions and
9 exercise such powers as the Secretary or Ad-
10 ministrator may prescribe.

11 (g) CONTINUATION OF SERVICE.—Any individual
12 serving on the effective date of this Act in a position pro-
13 vided for in this Act may continue to serve in that position
14 until a successor is appointed under this Act. Nothing in
15 this Act shall be construed to require the appointment of
16 a successor under this Act sooner than would have been
17 required under law as in effect before the effective date
18 of this Act.

19 **SEC. 5. NATIONAL WEATHER SERVICE.**

20 (a) IN GENERAL.—The Secretary shall maintain
21 within the Administration a National Weather Service.

22 (b) MISSION.—The mission of the National Weather
23 Service is to provide weather, water, climate, and space
24 weather forecasts and warnings for the United States, its
25 territories, adjacent waters, and ocean areas for the pro-

1 tection of life and property and the enhancement of the
2 national economy.

3 (c) GOALS.—The goals of the National Weather Serv-
4 ice shall include—

5 (1) to provide timely and accurate weather,
6 water, climate, and space weather forecasts; and

7 (2) to provide timely and accurate warnings of
8 weather, water, and climate natural hazards, and of
9 space weather hazards.

10 (d) FUNCTIONS.—The functions of the National
11 Weather Service shall include—

12 (1) maintaining a network of local weather fore-
13 cast offices;

14 (2) maintaining a network of observation sys-
15 tems to collect weather and climate data;

16 (3) operating national centers to deliver guid-
17 ance, forecasts, warnings, and analysis about weath-
18 er, water, climate, and space weather phenomena for
19 the Administration and the public;

20 (4) conducting and supporting applied research
21 to facilitate the rapid incorporation of weather and
22 climate science advances into operational tools; and

23 (5) other functions to serve the mission of the
24 National Weather Service.

1 (e) PUBLIC-PRIVATE PARTNERSHIPS.—Not less than
2 once every 5 years, the Secretary shall develop and submit
3 to Congress a policy that defines processes for making deci-
4 sions about the roles of the National Weather Service, the
5 private sector, and the academic community in providing
6 weather-related and climate-related products, tech-
7 nologies, and services. The first such policy shall be com-
8 pleted not less than 12 months after the date of enactment
9 of this Act. At least 90 days before each submission of
10 the policy to Congress, the Secretary shall publish the pol-
11 icy in the Federal Register for a public comment period
12 of not less than 60 days.

13 **SEC. 6. OPERATIONS AND SERVICES.**

14 (a) IN GENERAL.—The Secretary shall maintain
15 within the Administration programs to support operations
16 of ongoing data collection and direct services and products
17 regarding satellite, observations, and coastal, ocean, and
18 Great Lakes information.

19 (b) FUNCTIONS.—To accomplish the mission de-
20 scribed in section 3(b), and in addition to the functions
21 described in section 3(c), the operations and service as-
22 pects of the Administration shall include—

23 (1) acquiring, managing, and operating coastal,
24 ocean, and Great Lakes observing systems;

1 (2) ensuring the availability of a global Earth-
2 observing system, integrating remote sensing and in
3 situ assets that provide critical data needed to sup-
4 port the mission of the Administration, and pro-
5 viding that data to decisionmakers and the public;

6 (3) developing, acquiring, and managing oper-
7 ational environmental satellite constellations and as-
8 sociated ground control and data acquisition facili-
9 ties to support the mission of the Administration;

10 (4) managing and distributing atmospheric,
11 geophysical, and marine data and data products for
12 the Administration through national environmental
13 data centers;

14 (5) providing for long-term stewardship of envi-
15 ronmental data, products, and information via data
16 processing, storage, reanalysis, reprocessing, and ar-
17 chive facilities;

18 (6) promoting widespread availability of envi-
19 ronmental data and information through full and
20 open access and exchange to the greatest extent pos-
21 sible;

22 (7) issuing licenses for private remote sensing
23 space systems under the Land Remote Sensing Pol-
24 icy Act of 1992;

1 (8) administering a national water level obser-
2 vation network, which shall include monitoring of
3 the Great Lakes;

4 (9) providing charts and other information for
5 safe navigation of the oceans and inland waters, as
6 provided by law; and

7 (10) such other functions to serve the oper-
8 ations and services mission of the Administration as
9 the Administrator may prescribe.

10 **SEC. 7. RESEARCH AND EDUCATION.**

11 (a) IN GENERAL.—The Secretary shall maintain
12 within the Administration programs to conduct and sup-
13 port research and education and the development of tech-
14 nologies relating to weather, climate, and the coasts,
15 oceans, and Great Lakes.

16 (b) FUNCTIONS.—To accomplish the mission de-
17 scribed in section 3(b), and in addition to the functions
18 described in section 3(c), the research and education as-
19 pects of the Administration shall include—

20 (1) conducting and supporting research and
21 technology development to improve the Administra-
22 tion’s capabilities in collecting, through observation
23 and otherwise, communicating, analyzing, proc-
24 essing, and disseminating comprehensive scientific

1 data and information about weather, climate, and
2 the coasts, oceans, and Great Lakes;

3 (2) improving environmental prediction and
4 management capabilities through ecosystem-based
5 research and development;

6 (3) improving knowledge of Earth's climate and
7 related systems through research and observation for
8 decision support;

9 (4) reducing uncertainty in projections of how
10 the Earth's climate and related systems may change
11 in the future;

12 (5) fostering the public's ability to understand
13 and integrate scientific information into consider-
14 ations of national environmental issues through edu-
15 cation and public outreach activities;

16 (6) administering the National Sea Grant Col-
17 lege Program Act;

18 (7) conducting and supporting research and de-
19 velopment of technology for exploration of the
20 oceans;

21 (8) maintaining a system of laboratories to per-
22 form the functions described in this subsection;

23 (9) supporting extramural peer-reviewed com-
24 petitive grant programs to assist the Administration

1 in performing the functions described in this sub-
2 section; and

3 (10) such other functions to serve the research,
4 development, education, and outreach mission of the
5 Administration as the Administrator may prescribe.

6 **SEC. 8. SCIENCE ADVISORY BOARD.**

7 (a) IN GENERAL.—There shall be within the Admin-
8 istration a Science Advisory Board, which shall provide
9 such scientific advice as may be requested by the Adminis-
10 trator, the Committee on Commerce, Science and Trans-
11 portation of the Senate, or the Committee on Science or
12 on Resources of the House of Representatives.

13 (b) PURPOSE.—The purpose of the Science Advisory
14 Board is to advise the Administrator and Congress on
15 long-range and short-range strategies for research, edu-
16 cation, and the application of science to resource manage-
17 ment and environmental assessment and prediction.

18 (c) MEMBERS.—

19 (1) IN GENERAL.—The Science Advisory Board
20 shall be composed of at least 15 members appointed
21 by the Administrator. Each member of the Board
22 shall be qualified by education, training, and experi-
23 ence to evaluate scientific and technical information
24 on matters referred to the Board under this section.

1 (2) TERMS OF SERVICE.—Members shall be ap-
2 pointed for 3-year terms, renewable once, and shall
3 serve at the discretion of the Administrator. An indi-
4 vidual serving a term as a member of the Science
5 Advisory Board on the date of enactment of this Act
6 may complete that term, and may be reappointed
7 once for another term of 3 years unless the term
8 being served on such date of enactment is the second
9 term served by that individual. Vacancy appoint-
10 ments shall be for the remainder of the unexpired
11 term of the vacancy, and an individual so appointed
12 may subsequently be appointed for 2 full 3-year
13 terms if the remainder of the unexpired term is less
14 than one year.

15 (3) CHAIRPERSON.—The Administrator shall
16 designate a chairperson from among the members of
17 the Board.

18 (4) APPOINTMENT.—Members of the Science
19 Advisory Board shall be appointed as special Gov-
20 ernment employees, within the meaning given such
21 term in section 202(a) of title 18, United States
22 Code.

23 (d) ADMINISTRATIVE PROVISIONS.—

1 (1) REPORTING.—The Science Advisory Board
2 shall report to the Administrator and the appro-
3 priate requesting party.

4 (2) ADMINISTRATIVE SUPPORT.—The Adminis-
5 trator shall provide administrative support to the
6 Science Advisory Board.

7 (3) MEETINGS.—The Science Advisory Board
8 shall meet at least twice each year, and at other
9 times at the call of the Administrator or the Chair-
10 person.

11 (4) COMPENSATION AND EXPENSES.—A mem-
12 ber of the Science Advisory Board shall not be com-
13 pensated for service on such board, but upon request
14 by the member may be allowed travel expenses, in-
15 cluding per diem in lieu of subsistence, in accord-
16 ance with subchapter I of chapter 57 of title 5,
17 United States Code.

18 (5) SUBCOMMITTEES.—The Science Advisory
19 Board may establish such subcommittees of its
20 members as may be necessary. The Science Advisory
21 Board may establish task forces and working groups
22 consisting of Board members and outside experts as
23 may be necessary.

1 (e) EXPIRATION.—Section 14 of the Federal Advisory
2 Committee Act (5 U.S.C. App.) shall not apply to the
3 Science Advisory Board.

4 **SEC. 9. REPORTS.**

5 (a) REPORT ON DATA MANAGEMENT, ARCHIVAL,
6 AND DISTRIBUTION.—

7 (1) CONTENTS.—Not later than 1 year after
8 the date of enactment of this Act, and once every 5
9 years thereafter, the Administrator shall develop a
10 report on the environmental data and information
11 systems of the Administration. The report shall in-
12 clude—

13 (A) an assessment of the adequacy of the
14 environmental data and information systems of
15 the Administration to—

16 (i) provide adequate capacity to man-
17 age, archive and disseminate environmental
18 information collected and processed, or ex-
19 pected to be collected and processed, by
20 the Administration and other appropriate
21 departments and agencies;

22 (ii) establish, develop, and maintain
23 information bases, including necessary
24 management systems, which will provide

1 for consistent, efficient, and compatible
2 transfer and use of data;

3 (iii) develop effective interfaces among
4 the environmental data and information
5 systems of the Administration and other
6 appropriate departments and agencies;

7 (iv) develop and use nationally accept-
8 ed formats and standards for data col-
9 lected by various national and international
10 sources;

11 (v) integrate and interpret data from
12 different sources to produce information
13 that can be used by decisionmakers in de-
14 veloping policies that effectively respond to
15 national and global environmental con-
16 cerns; and

17 (vi) reanalyze and reprocess the
18 archived data as better science is developed
19 to integrate diverse data sources; and

20 (B) a strategic plan to—

21 (i) set forth modernization and im-
22 provement objectives for an integrated na-
23 tional environmental data access and ar-
24 chive system for the 10-year period begin-
25 ning with the year in which the plan is

transmitted, including facility requirements and critical new technology components that would be necessary to meet the objectives set forth;

(ii) propose specific Administration programs and activities for implementing the plan;

(iii) identify the data and information management, reanalysis, reprocessing, archival, and distribution responsibilities of the Administration with respect to other Federal departments and agencies and international organizations; and

(iv) provide an implementation schedule and estimate funding levels necessary to achieve modernization and improvement objectives.

(2) NATIONAL ACADEMY OF SCIENCES REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences for a review of the plan developed under paragraph (1).

(3) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Com-

1 mittee on Commerce, Science, and Transportation of
2 the Senate and the Committee on Science of the
3 House of Representatives the initial report developed
4 under paragraph (1) and the review prepared pursu-
5 ant to paragraph (2). Subsequent reports developed
6 under paragraph (1) shall also be transmitted to
7 those committees.

8 (b) STRATEGIC PLAN FOR SCIENTIFIC RESEARCH.—

9 (1) CONTENTS.—Not later than 1 year after
10 the date of enactment of this Act, and once every 5
11 years thereafter, the Administrator shall develop a
12 strategic plan for science and technology research
13 and development at the Administration. The plan
14 shall include—

15 (A) an assessment of the science and tech-
16 nology needs of the Administration based on
17 the Administration’s operational requirements
18 and on input provided by external stakeholders
19 at the national, regional, State, and local levels;

20 (B) a strategic plan for coordinating re-
21 search and development activities across the
22 Administration to meet the needs identified in
23 subparagraph (A); and

24 (C) a description of how the Administra-
25 tion plans to utilize extramural, peer-reviewed

1 competitive grant programs to meet its research
2 needs.

3 (2) NATIONAL ACADEMY OF SCIENCES RE-
4 VIEW.—The Administrator shall enter into an ar-
5 rangement with the National Academy of Sciences
6 for a review of the plan developed under paragraph
7 (1).

8 (3) TRANSMITTAL TO CONGRESS.—Not later
9 than 18 months after the date of enactment of this
10 Act, the Administrator shall transmit to the Com-
11 mittee on Commerce, Science, and Transportation of
12 the Senate and the Committee on Science of the
13 House of Representatives the initial report developed
14 under paragraph (1) and the review prepared pursu-
15 ant to paragraph (2). Subsequent reports developed
16 under paragraph (1) shall also be transmitted to
17 those committees.

18 **SEC. 10. EFFECT OF REORGANIZATION PLAN.**

19 Reorganization Plan No. 4 of 1970 shall have no fur-
20 ther force and effect.

21 **SEC. 11. SAVINGS PROVISION.**

22 All rules and regulations, determinations, standards,
23 contracts, certifications, authorizations, appointments,
24 delegations, results and findings of investigations, and
25 other actions duly issued, made, or taken by or pursuant

1 to or under the authority of any statute which resulted
2 in the assignment of functions or activities to the Sec-
3 retary, the Department of Commerce, the Under Secretary
4 of Commerce for Oceans and Atmosphere, the Adminis-
5 trator, or any other officer of the Administration, that is
6 in effect immediately before the date of enactment of this
7 Act, shall continue in full force and effect after the effec-
8 tive date of this Act until modified or rescinded. All suits,
9 appeals, judgements, and proceedings pending on such ef-
10 fective date relating to responsibilities or functions trans-
11 ferred under this Act shall continue without regard to such
12 transfers, except for the transfer of responsibilities or
13 functions. Any reference in law to a responsibility, func-
14 tion, or office transferred under this Act shall be deemed
15 to refer to the responsibility, function, or office as so
16 transferred.

17 **SEC. 12. TRANSITION.**

18 (a) **EFFECTIVE DATE.**—

19 (1) **IN GENERAL.**—Except as provided in para-
20 graph (2) the provisions of this Act shall become ef-
21 fective 2 years after the date of enactment of this
22 Act.

23 (2) **EXCEPTIONS.**—Paragraph (1) shall not
24 apply to sections 9 or 13, or to subsection (b) of this
25 section.

1 (b) REORGANIZATION.—Not later than 18 months
2 after the date of enactment of this Act, the Administrator
3 shall transmit a plan and budget proposal to Congress set-
4 ting forth a proposal for program and Administration re-
5 organization for the program areas outlined in this Act.

6 **SEC. 13. FACILITY EVALUATION PROCESS.**

7 (a) PUBLIC NOTIFICATION AND ASSESSMENT PROC-
8 ESS.— The Administrator shall not close, consolidate, re-
9 locate, subdivide, or establish a facility of the Administra-
10 tion unless the Administrator has completed a public noti-
11 fication and assessment process that includes—

12 (1) publication in the Federal Register of the
13 proposed action and a description of the offices, per-
14 sonnel, and activities of the Administration that
15 would be impacted by the proposed change, and pro-
16 viding for a minimum of 60 days for public com-
17 ment;

18 (2) review of the proposed change by the
19 Science Advisory Board of the Administration, if the
20 proposed change involves a science facility of the Ad-
21 ministration, and preparation of a summary of their
22 findings regarding the proposed change;

23 (3) preparation by the Administrator of an
24 analysis of the anticipated costs and savings associ-
25 ated with the proposed facility change, including

1 both initial costs and savings associated with the
2 change and changes in operations and maintenance
3 costs and savings over a ten year period; and

4 (4) preparation by the Administrator of an
5 analysis of the effects of the facility change on oper-
6 ations and research of the Administration, and the
7 potential impacts on cooperative institutes, other ex-
8 ternal Administration partnerships, partnerships
9 with other Federal agencies, and any State and local
10 partnerships.

11 (b) NOTICE TO CONGRESS.—The Administrator shall
12 provide to Congress, at least 90 days before any closure,
13 consolidation, relocation, subdivision, or establishment of
14 a facility of the Administration, a summary of the public
15 comments received pursuant to subsection (a)(1), any
16 summary prepared under subsection (a)(2), and the anal-
17 yses prepared under subsection (a)(3) and (4), .

18 (c) WEATHER SERVICE MODERNIZATION.—Nothing
19 in this section shall alter procedures established under the
20 Weather Service Modernization Act (15 U.S.C. 313 note).

21 (d) DEFINITION.—For purposes of this section, the
22 term “facility” means a laboratory, operations office, ad-
23 ministrative service center, or other establishment of the

- 1 Administration with an annual budget of \$1,000,000 or
- 2 greater.

